THE HON'BLE SMT JUSTICE T. MEENA KUMARI

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WRIT PETITION No. 22121 of 2003

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Dated: 23-11-2005

Between

N Ramana Reddy, S/o. N Gangi Reddy

52 years, Business,

R/o. 17-464/3DA, Nehru Nagar

Madanapalli, Chittoor District

..Petitioner

And

1. The Dy. Transport Commissioner & Secretary

Regional Transport Authority, Chittoor

2. The Motor Vehicles Inspector, Madanapalli,

Chittoor District

Respondents

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WRIT PETITION No. 22121 of 2003

ORDER :

This writ petition is filed seeking a writ of Mandamus to declare the impugned proceedings in R.No.46541/A2/2003 dt. 16-10-2003 insisting the petitioner to arrange 25 seats as per Rule 331 to 334 of A.P.M.V Rules for transfer of the vehicle bearing No. KA/06-9270 (Maxi Cab – Contract Carriage with Superior Accommodation) is illegal, arbitrary and for consequential direction to the respondents to affect the transfer of the vehicle as Maxi cab without insisting the increase of seating capacity.

The brief facts that are necessary for disposal of the petition are as follows:

It is the case of the petitioner that he purchased the vehicle bearing No. KA/06-9270 from Karnataka in 1993 with a seating capacity of 12 + 1 in all with deluxe seats to operate as Maxi Cab and that he submitted an application to the respondents on 16.9.2003 for transfer of the vehicle and that pursuant to the directions of the 1st respondent dated 19.9.2003, he produced the vehicle for verification before 2nd respondent and that on the report submitted by the 2nd respondent, the 1st respondent issued the impugned memo dated 16.10.2003 requesting him to arrange 25 seats as per Rule 331 to 334 of A.P.M.V. Rules and for production of the vehicle before the 2nd respondent for verification.

It is his further case that in a similar case in W.P. No. 3772 of 2003 this Court, while disposing of the same through its order dated 27-3-2003 held that Rule 334(2) of A.P.M.V. Rules does not apply in respect of Maxi cab vehicles. Seeking a similar relief the present writ petition has been filed.

Heard learned Counsel appearing on behalf of the petitioner.

Perused the record. The material papers annexed to this writ petition goes to show that a learned single Judge of this Court in W.P. No. 3772 of 2003 in a similar case, disposed of the same directing the respondents to consider the application of the petitioner for granting permission to convert the vehicle Omni Bus to Maxi Cab afresh keeping in view the observations made in the said petition.

Under the above circumstances, if the petitioner herein has not made any application for conversion, liberty is granted to make such an application to the authorities for grant of permission to convert the vehicle in question as Maxi Cab afresh if he so desirous and that as and when such application is made, the same should be disposed of in pursuance of the directions issued in W.P. No. 3772 of 2003 dated 27.3.2003.

Accordingly, this writ petition is dismissed.

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T. MEENA KUMARI, J

Dt. 23.11.2005

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23rd November 2003